Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Internal Management & Fiscal Responsibility Committee

Thursday, June 16, 2005
2:00 PM
Commission Chamber

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Legislative Analysis

Internal Management & Fiscal Responsibility Committee
Meeting Agenda
June 16, 2005

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

2(F)	3(B)3
3(B)4	3(C)1
3(C)2	3(C)4

If you require further analysis of these or any other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

Acknowledgements--Analyses prepared by:
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IM&FR ITEM 2(F)
June 16, 2005

LEGISLATIVE ANALYSIS

RESOLUTION FURTHER AMENDING RESOLUTION NO. R-985-03 TO REQUIRE THAT EACH YEAR A SECOND RFP PROCESS BE CONDUCTED BEFORE ANY DISTRICT'S SHARE OF SPECIAL POOL CBO FUNDS CAN BE ALLOCATED TO HIGH NEEDS PROJECTS IN OTHER DISTRICTS

Chairman Joe A. Martinez

I. SUMMARY

The Resolution requires a second RFP before any commission district's share of the special pool CBO funds can be allocated to projects in another district.

II. PRESENT SITUATION

Resolution 985-03, adopted on September 11, 2003 (Legistar #040875), provides:

- The County will continue to award funds to CBOs providing health and social services through the Alliance for Human Services;
- The Alliance shall establish special pool of CBO funds, not to exceed $100,000 per commission district;
- These special pool CBO funds are allocated via a mini-RFP to small CBOs (whose budgets are less than $300,000 annually) for grants of $15,000-25,000 that respond to the needs of the district;
- Any district's share of unallocated special pool CBO funds shall be allocated to fund projects located in high needs districts, which did not receive initial funding because the projects exceeded the district's share of special pool funding.

III. POLICY CHANGE AND IMPLICATION

The Resolution requires a second RFP before any commission district's share of the special pool CBO funds can be allocated to projects in another district.

The Resolution represents a continuation of County policy to award funds to Community Based Organizations through the Alliance for Human Services.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.

IM&FR ITEMS 3(B)3 and 3(B)4
June 16, 2005

LEGISLATIVE ANALYSIS

ITEM 3(B)3: ORDINANCE AMENDING SECTION 2-8.1(I) OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING FOR APPROPRIATE REFERENCE TO THE SMALL BUSINESS ENTERPRISE PROGRAM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Procurement Management Department

ITEM 3(B)4: RESOLUTION APPROVING AMENDMENT TO ADMINISTRATIVE ORDER 3-38: MASTER PROCUREMENT ADMINISTRATIVE ORDER; UPDATING SPECIFIC LANGUAGE RELATING TO THE SMALL BUSINESS ENTERPRISE (SBE) PROGRAM

Procurement Management Department

I. SUMMARY

The proposed Ordinance and Resolution replace references to Minority Business Enterprise, Black Business Enterprise, Hispanic Business Enterprise, and Women Business Enterprise, with Small Business Enterprises in Sec. 2-8.1(i) of the Code (relating to the Code of Business Ethics) and in A.O. 3-38 (relating to Procurement.)

II. PRESENT SITUATION

On August 20, 2004, in the *Hershell Gill* decision, a federal judge ruled that three of the County's programs in contracts were applied in an unconstitutional manner: the Black Business Enterprise, Hispanic Business Enterprise, and Women Business Enterprise programs (collectively referred to as Minority Business Enterprise, or MBE). The judge found the County lacked the required evidence of discrimination against Black, Hispanic and Women firms which would justify the application of program measures to assist those firms. The judge permanently enjoined the County from using the race, ethnic and gender based program measures that favor MBEs.

On February 1, 2005, the Commission created the Small Business Enterprise program (SBE) in response to *Hershell Gill*, to address the needs of certain small businesses without relying on the prohibited program measures of the MBE programs.

III. POLICY CHANGE AND IMPLICATION

This replaces references to prohibited programs with references to its successor program.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.

DP

Last Updated: June 14, 2005

LEGISLATIVE ANALYSIS

THREE ORDINANCES AUTHORIZING CERTAIN LOANS FROM SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR PURPOSE OF PAYING COST OR REIMBURSING COST OF CERTAIN CAPITAL ASSETS AND CAPITAL IMPROVEMENTS

Finance Department

I. SUMMARY

These three Ordinances authorize the County to borrow up to a combined $206 million from the Sunshine State Governmental Financing Commission (Sunshine Commission) for various capital expenditures.

Each of the loan agreements contains the same scrivener's error, defining the "pledged revenue" for the various loans as the Charter County Transit Surtax even though none of the capital expenditures are for transit projects. Finance Department is aware of the scrivener's errors by the Sunshine Commission's attorneys who provided the agreements and will have the errors corrected in the final agreements.

The ordinance authorizes the Finance Director to approve the final details of the loan agreement, after consultation with the County Attorney.

II. PRESENT SITUATION

The Sunshine Commission was created by inter-local agreements among various counties and municipalities in Florida, pursuant to Chapter 163, Part 1, Fla. Stat.

The three ordinances authorize loans, as follows:

- IM&FR item 3C1 – up to $75 million for the Seaport;
- IM&FR item 3C2 – up to $71 million for various departments; and
- IM&FR item 3C4 – up to $60 million for the Public Health Trust.

Each of the whereas clauses of the ordinances states that the loan shall be secured by a covenant to budget and appropriate from legally available non-ad valorem revenues of the County. However, each appended loan agreement defines the "pledged revenue" for the various loans as the Charter County Transit Surtax, which is a scrivener's error.

Each of the loan agreements states that it was prepared by Bryant Miller & Olive P.A., a Tallahassee-based law firm which specializes in public finance and government law, at the direction of the Sunshine Commission.

The ordinance authorizes the Finance Director to approve the final details of the loan agreement, after consultation with the County Attorney.

III. POLICY CHANGE AND IMPLICATION

The Ordinances represent a continuation of the County policy to finance capital projects at low interest rates through the Sunshine Commission.

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.